

# **CIVIL SERVICE COMMISSION REGULAR MEETING**

Tuesday, March 13, 2012, 2:00 p.m.

**City Hall, Wheeler A/B, 45 Lyon Terrace, Bridgeport, CT 06604**

## **MINUTES**

Commissioner Guedes called the March 13, 2012 regular meeting of the Civil Service Commission to order at 2:07 p.m. Present were Commissioners Correa, McBride, Rodgers, and Plummer. Also attending were Personnel Director David Dunn, Clerk to the Commission Deborah Brelsford, and City Attorney John Mitola and involved parties.

### **1. Meeting Minutes - APPROVED**

Mr. Dunn stated that there were three sets of Minutes to be approved by the Commission and that he reviewed them and found them to be in order. On a motion made by Commissioner Rodgers and seconded by Commissioner Plummer, the Commission unanimously approved the minutes of the February 14, 2012 regular Commission meeting.

On a motion made by Commissioner Correa and seconded by Commissioner Plummer, the Commission unanimously approved the minutes of the February 28, 2012 special Commission meeting.

Commissioner Correa noted that she was not present at the March 2, 2012 special Commission meeting. On a motion made by Commissioner Rodgers and seconded by Commissioner Plummer, the Commission unanimously approved the minutes of the March 6 special Commission meeting.

Mr. Dunn stated that the Commission requested that today's matters be placed at the beginning of the Agenda and that City Attorney John Mitola provided 3 motions that are listed on the Agenda. Mr. Dunn noted that Fire Lieutenants from both sides of the matter were present, as well as Fire Chief Brian Rooney and the Union to speak on behalf of Captain Cocca.

Commissioner Guedes stated that some Commissioners had concerns because a member of the department was not offered the opportunity for representation at the prior special Commission meeting.

Commissioner Guedes also stated that because Commissioner Correa was not present at the last session that she requested a few minutes for executive session to discuss matters of possible litigation.

Attorney Mitola explained that to add a motion to the agenda to go into executive session to discuss possible litigation. It would need to pass by two-thirds vote.

On a motion made by Commissioner Correa and seconded by Commissioner McBride, the Commission unanimously added to the agenda an executive session to discuss possible litigation. Then, on a motion made by Commissioner Plummer and seconded by Commissioner Rodgers the Commission unanimously voted to enter executive session at 2:13 p.m. to discuss matters of possible litigation.

The Commission returned to public session at 3:13 p.m.

**2. Fire Captain Exam – RECONSIDERED; ELIGIBILITY DATE SET AS AUGUST 21, 2011**

Commissioner Guedes explained that this item was on this agenda at the Commissioners' request. She further explained that the Commission had been unaware that a member of the Fire department could have been negatively impacted by the vote the Commission took on February 28, 2012 at the special Commission meeting. She said the Commission had not been apprised of the matter at that time. Commissioner McBride made a motion to reconsider the vote on February 28 because the decision could affect Paul Cocca's promotion to Captain. Commissioner Plummer seconded the motion.

Mr. Whitbread was asked to speak but he said he would let the other groups speak first. Attorney Thomas Bucci said that the Commission's reason was not proper for reconsideration of the vote. He stated that the reason for the appeal dealt directly with that Captain's promotion. He added that there was no movement or appeal from that Captain's promotion and that time had well-expired because nothing came from him. Attorney Bucci continued by saying that this was a scare tactic and that it had no legal possibility and was not realistic to say that this has come up between then and now to justify consideration. He felt it was fully discussed at that meeting and there was no basis to reverse the decision. He asked what could be pointed to that allows for reversing. He stated that just a change of mind is not adequate. Attorney Bucci added that this is a violation of his client's rights and that they strongly object.

Attorney Mitola stated that he understood Commissioner McBride's concern and the Commission reconsider the vote if the vote was erroneous, taking into account additional information that was not readily available at the prior meeting. He further explained that implicit in Commissioner McBride's concern, if the Bucci argument is correct, is that the City will be prevented from making appropriate promotions under this case. Attorney Bucci added that the Chief exercised his authority under the Charter that a promotion was not appropriate for MacNicholl and that Lieutenant Cocca was next on the list. MacNicholl appealed to the CS Commission and 3 to 4 months later this Commission granted his appeal. Mitola continued that Bucci's interpretation of the Charter is incorrect.

Attorney Mitola continued to explain that implicit in Commissioner McBride's concern is that issue and that the City would be handcuffed under this because the

City would not be able to make a promotion. The Charter says to fill the vacancy within 30 days if there is a list. It affects Cocca and it affects future situations like this if it comes before the Commission.

Attorney Bucci added that the City did appoint Cocca and the City took him out of the position because MacNicholl won his appeal. Commissioner Guedes interjected that the Commission did not want to hear a redebate of the points.

Lieutenant Rolfe said that at the special meeting the group of 16 Lieutenants were harmed. Lieutenant Rolfe stated he has been a Lieutenant for 4 years but that many have been a Lieutenant for 10 to 12 years and should have a better opportunity to pass the Captain test. Lieutenant Rolfe further stated that this argument is only to deny 16 from taking a test. He said that the other group of Lieutenants should be more prepared to take the test than the group of 16. Lieutenant Rolfe said that this harmed only 16 of them and he did not want to see Captain Cocca harmed either.

Mr. Whitbread said in a written letter to Mr. Dunn that he had a concern over reemployment lists because he no longer understands it with the recent actions about this issue. He wants to be certain he understands how a reemployment list is constituted now.

Mr. Dunn stated that Captain Cocca had been reduced in rank when the MacNicholl matter was settled. He was then placed on the reemployment list from which he was reinstated on April 1, 2011. He said he could cite examples of other Captains and employees returned back to the position and reduced in rank. Mr. Dunn stated that Mr. Whitbread just gave the letter to him yesterday and that he has not yet formulated a response. Mr. Whitbread stated that he will support the position that Captain Cocca should keep his rank.

Mr. Dunn explained to Commissioner Correa that the union's letter is on the Agenda for the regular Commission meeting in April because he had just been given the letter yesterday. He said that the letter asks for information regarding reemployment lists. Mr. Dunn further added that sufficient time would be given to the Commissioners for review of Mr. Whitbread's letter.

Commissioner Guedes stated that a motion was introduced and the 3 sides of the issue have been heard from and she would take a vote on the motion to reconsider introduced by Commissioner McBride. Commissioner Correa abstained, Commissioner Rodgers voted yes to reconsider, Commissioner Plummer voted yes to reconsider and Commissioner McBride voted yes to reconsider. Commissioner Guedes affirmed that the motion passed and carried. She stated that at this time the issue is the eligibility date and a motion to rescind is mute at this point.

Commissioner Guedes asked what is the eligibility date to participate in Captain's exam and said she would entertain a motion to set the date to determine which lieutenants are eligible to participate in the Fire Captain's promotion exam #2319.

Mr. Dunn stated that August 21, 2011 would be the eligibility date and that a Lieutenant would need to have necessary qualifications and eligibility by that date.

Commissioner Rodgers made a motion to set August 21, 2011 as the date to determine Lieutenants eligibility to participate in Fire Captain exam #2319. This is calculated as 120 days from April 23<sup>rd</sup>, the date that Richard Thode was promoted to Assistant Chief. Commissioner Rodgers voted in the affirmative, Commissioner Plummer voted yes, Commissioner McBride said that both sides had good facts, (and that it was a very tough decision on February 28, 2012) and now he voted in favor of the August 21, 2011 date. Commissioner Correa said she made the decision to vote in favor of the presentation made on February 28<sup>th</sup> and added that she was not present at the March 6, 2011 special meeting for health reasons, and that she could not make the decision in favor of the motion. She said she contemplated abstaining but voted against it.

Commissioner Guedes added that the majority of the Commission voted to set August 21, 2011 as the date to determine which Lieutenants are eligible to participate in Fire Captain's promotional examination. She stated that again, the motion passed and carried.

### **3. Merit Increase – CERTIFIED**

Mr. Dunn told the Commission that Gregory Bukovsky, Parking Enforcement Officer, was due a step increase, retroactive to January 1, 2012 from \$29,614 (Step 2) to \$31,286 (Step 3). On a motion made by Commissioner Correa and seconded by Commissioner McBride, the Commission unanimously certified the merit increase.

### **4. Permanent Appointments – GRANTED**

Mr. Dunn told the Commission that Ignacio Coca, Airport Serviceman I, was eligible for permanent appointment effective February 8, 2012. He further explained that this position handled maintenance issues at the airport. Mr. Dunn stated that all was in order with this permanent appointment. On a motion made by Commissioner McBride and seconded by Commissioner Rodgers, the Commission unanimously approved the permanent appointment of Ignacio Coca.

### **5. Reallocation - GRANTED**

Mr. Dunn told the Commission that Town Clerk, Alma Maya, requested to eliminate the Mini Computer Operator position from her department Table of Organization. Mr. Dunn noted that the next item on the Agenda was Alma Maya's request to reclassify Town Clerk Assistant II from a competitive to a non-competitive position.

Ms. Maya explained that this position of Mini Computer Operator was being phased out throughout many of the City departments and that there were 2 employees

remaining with this title and that one of them was in her office. She explained that the Typist I classification was a better fit for her office. She stated that her office is understaffed at this point. It would also be a cost savings because a Mini Computer Operator is paid at a higher level than a Typist I. Currently, Aidxa Marquez has the position of Mini Computer Operator. Ms. Maya plans to have Evelyn Butte, Typist II in the Town Clerk office, and Aidxa Marquez interview for the open position of Assistant Town Clerk II, which has been vacant since August 2011 when Alba Rodriguez retired.

Currently, Christina Resto is Assistant Town Clerk I and is doing both her own job and that of Assistant Town Clerk II and getting paid for Assistant Town Clerk I. Ms. Maya will promote from within to assist Ms. Resto with the workload. Ms. Maya anticipates 5 elections with a special election coming up for the Board of Education and added that it is crazy in the office. She further explained to the Commission that her own position is part-time and she has taken another part-time position outside of the City and will be less available in her office to support the Town Clerk Assistant I, who needs help with supervisory work.

Mr. Dunn explained that he met with Ms. Maya a couple of weeks ago. She requested this change formally in writing to the Commission. Mr. Dunn stated that he supports both the reallocation of the Mini Computer Operator and backfilling the Typist I position and reclassifying the Assistant Town Clerk II presently in the competitive division to the non-competitive division.

Ms. Maya said she supports competitive positions and that she would prefer to do it that way, however, due to the tight squeeze in her office, Ms. Maya would like a panel interview that would make recommendations to her. Mr. Dunn explained that both positions are union positions with Assistant Town Clerk II in the Bridgeport City Supervisor Association and Typist I in NAGE. Mr. Dunn further stated that Civil Service has set up a structured oral interview process and that he, Ms. Brelsford and Mr. Amado would interview both Ms. Marquez and Ms. Butte and make recommendations to the Town Clerk. Ms. Maya said that somebody bumping into this position is not an option.

Commissioner Correa asked if the position would remain non-competitive. Mr. Dunn said that it would for the time being but the Commission could vote to put it back into the competitive division if they wanted to, but that it being non-competitive is the faster way to get the job filled. Commissioner Guedes said that this was a compelling argument and that they also want to protect the Civil Service process.

On a motion made by Commissioner Plummer and seconded by Commissioner Correa the Commission unanimously granted the Town Clerk's request to reallocate the position of Mini Computer Operator or the position of Typist 2 on the Town Clerk table of organization. Commissioner Guedes stated that the request was granted.

## **6. Reclassification of Assistant Town Clerk II – GRANTED**

Please note that the discussion was combined with the Reallocation Request, #5, above.

On a motion made by Commissioner Correa and seconded by Commissioner McBride, the Commission unanimously granted the reclassification of the Assistant Town Clerk II position from competitive to non-competitive. Ms. Maya thanked the Commission.

## **7. Faith Jackson Appeal - DENIED**

It is noted for the record that Commissioner Correa left the meeting at 3:43 p.m.

Mr. Dunn explained that Ms. Jackson was terminated from the Finance department and that her Supervisor and Department Manager were present. Commissioner Guedes asked Ms. Jackson if she would like her appeal heard in executive session or if she wanted a public hearing and Ms. Jackson chose a public hearing.

Mr. Dunn explained that Ms. Jackson was terminated from the position of Accounting Clerk because she was unable to meet department requirements to perform the job. Mr. Dunn referred to the correspondence sent by Ms. Jackson, in her defense, explaining her side of the issue.

Ms. Jackson asked the Commissioners if they had been able to look over her letter in advance and they had. She stated that her test scores were very good, and with a score of 96.25% she ranked 4<sup>th</sup> place. She said the tests show working knowledge and capability to grasp and understand the work.

Ms. Jackson further stated that 2 weeks before the exam she received from the City study material on Word and Excel and she achieved top scores with the study materials provided. She did not believe that she would have scored as high as she did without the study materials. In time she would have successfully understood her way around MUNIS. She said she received 2-4 days of training and that mistakes were bound to happen. She referenced her job description that said her work would be performed under technical supervision and that she needed more supervision. She would have come in early or stayed late and she also mentioned that Kim (Jack) was busy and there were also holiday festivities. Ms. Jackson said she felt left behind in the aftermath of it all.

Ms. Jackson explained that the Comptroller receives over 100 invoices daily and that she did a large amount of work in the first few weeks and mistakes were made before Kim made her aware. After she corrected them she did not make the same errors. Ms. Jackson further stated that it is a violation of City rules since the rules state that an employee be given an oral warning, written warning, suspension and then discharge. Ms. Jackson asserted that from November 28 to January 13 she

was never warned in writing. She said it was her hope to regain employment and further learn and that she was willing to work for absolutely nothing and not repeat those mistakes going forward.

Ms. Jackson continued by saying she was not afraid to ask questions. She explained that Joann and Anjerice helped her to the best of their ability. She cited an example of vouchers at the bottom left of invoices and that vital information could not be covered. She reported that she did not know what information was vital. Some information would appear closer to the middle and some wording was ok to cover. She also said she handled lots of mail and that she would separate it from those she knew and had a hard time establishing where mail should go. She said she wrote stuff down not to ask the same questions twice. For data entry she entered year 2012 and Kim assured her she could go back and make changes and she corrected mistakes December 9<sup>th</sup>. She said she checked her work to the best of her ability. She said that she was 6 minutes late for work once because she was approached in the parking lot by the parking enforcement officer and that Kim pointed this out to her.

Ms. Jackson said she was told by Kim to ask questions and one day she interrupted an important meeting with the Comptroller and Kim and that she did not realize that her question was non-essential. She didn't know what was essential and non-essential. Ms. Jackson said she wanted to become an accountant in the City and that she would like to do better with training.

Ms. Jackson said she recently she did taxes for the first time and took the money and invested in bail bond classes that she would be starting on March 14<sup>th</sup>. Commissioner Guedes inquired about her email address and Ms. Jackson explained it was with the University of Bridgeport and she was studying accounting. Ms. Jackson said this would have been her last year of school when she started to apply for this position. Ms. Jackson further stated that she would have finished this semester but her funds were not up to par.

Commissioner Guedes asked Ms. Norton what the criteria was for Accounting Clerk I. Ms. Norton explained that acute attention to detail, taking orders and following those orders because procedures and policies are in place, computer skills, literacy, and communication skills. Ms. Norton further added that the position is considered a basic entry level position. Commissioner Guedes asked what the training expectation is. Ms. Norton responded that one person started in the department 2 weeks prior and 1 person started 1 week after Ms. Jackson did and that both are doing exceptionally well. Ms. Norton said that probationary reports were completed as required.

Ms. Jackson shared her copy of the probationary reports with the Commissioners. Ms. Norton explained that Kim Jack was the supervisor of the position and that Kim was completing the evaluations and that Ms. Jackson was signing off on the evaluations. Ms. Jackson stated that Anjerice started before Faith and that she was

making the same mistakes and she noticed that Anjerice's were received a little differently than her own. Ms. Jackson cited an example of scanning a document into MUNIS and that half of the page would sometime get cut off. Ms. Jackson stated that she needed help one time to fix it and that she believed Anjerice had made the same mistake more than one time. Ms. Jackson said people make mistakes. She also said that Ms. Jack gave her guidelines to go by. Ms. Jackson said she followed them.

Ms. Jack said that she does not discuss other employees amongst each other. She further stated that she completed evaluations every 2 weeks. Ms. Jack said she provided procedures to Ms. Jackson. She also referenced a MUNIS workbook and reiterated that there are Do's and Don'ts and procedural guidelines are very strict, for audit purposes and reasons of reporting. It is important that everything is accurate and duplications of payments must be avoided.

Ms. Jack said that first she marked where mistakes were made and would bring them to Ms. Jackson's attention immediately. Then all documented items were discussed in the evaluation. Ms. Jack said she does not wait to correct and explain a mistake.

Ms. Jack said that Ms. Jackson's work habits indicated that she may have not had previous office experience. She cited that documents were returned to various departments and that invoices had been scanned improperly. With regard to interrupting a meeting between Ms. Norton and Ms. Jack, Ms. Jackson had been told by another employee not to interrupt the meeting. With regard to being punctual, Ms. Jack said she pointed out to Ms. Jackson that Ms. Norton was very strict about punctuality. Ms. Jack reiterated that many items were returned and this caused disruption in their own department and Purchasing. When batches are not correct it is detrimental to the work of the accounting department. There were problems with signatures when work was thought to be completed but it had not been. Once a batch gets posted it goes into a weekly vendor run for the entire City of Bridgeport. There was no attention to detail. Guidelines had to be followed and they were not.

Ms. Norton said she completely understands that there will be mistakes. Hundreds of invoices come through the department and all employees need to be very careful. She stated that Ms. Jackson did not watch attention to detail. Ms. Norton said that they could not spend additional time training somebody, that training has been in place and that slower employees put their process and system behind.

Commissioner McBride stated that the Commission has extended probations at times. Mr. Dunn stated that he had discussed this matter with Ms. Norton and that he had looked over the paperwork and read the letter from Ms. Jackson but nothing changed his mind. Mr. Dunn added that this was not a termination for disciplinary matters, but for performance issues.



Commissioner Plummer asked how many people there were for this position. Ms. Norton said there were 7 and that Faith was #4. She explained that #1 took another job, #2 was hired in finance, #3 in outside overtime.

Commissioner Guedes commented that when employees do not meet standards they have been generally allowed a 6 month probationary problem.

Commissioner McBride asked if the requirements are the same in all departments. Ms. Norton replied that in the outside overtime the position is responsible for all billing and receivables for outside overtime customers. Ms. Norton felt this is more involved work than that of Finance and since there is only one person doing the work no one else is there to bounce questions off of.

Commissioner Plummer asked if Ms. Jackson made an effort to correct deficiencies. Ms. Jack replied she did but the problems continued to happen. She further stated that these issues should not have been an issue.

Commissioner McBride stated that the evaluations were at a fair level. Ms. Norton said that each work an employee should be showing improvement. Commissioner Plummer added that managers have different evaluation standards.

Ms. Norton said that no disciplinary matters weighed on the decision to terminate Ms. Jackson and that the decision was based on her work.

Commissioner Guedes explained to Ms. Jackson that there is a 3 part vote and that the decision comes down to the Supervisors. She further explained that no matter what the Commission decides that the weight is on the majority, being Mr. Dunn and the Department Head.

Ms. Jackson added that she did not go to college for Politics and that somewhere down the line she wanted to run for an office and that she would not want this to be considered. She said that her whole family was very happy with the scores she got and that she had not realized she did so badly between signing out wrong and all these things she felt made her look so negative. Ms. Jackson added that she wanted to be working in that position and that people want a position with city to last their life and this was her intention as well.

Commissioner Guedes asked if there were final questions or comments. Mr. Dunn said she could take the test the next time it is given and Ms. Norton said that mistakes were made and Ms. Jackson was counseled on how to fix them, however, there were repeat mistakes. Other people were shown how to correct mistakes and they corrected them and didn't repeat the mistakes.

Commissioner Plummer asked if Ms. Jackson was still a student and she replied that yes, she will start bail bonds school tomorrow (March 14) and that she was still moving along and did not sit still.

Commissioner Guedes took a 3 part vote on the matter of Ms. Jackson's termination appeal. Commissioner McBride, Plummer, and Rodgers all voted to deny the appeal. Commissioner Guedes stated that the Commission voted to deny the appeal.

Commissioner Guedes added that this appeal denial did not preclude Ms. Jackson from applying to the City again.

Mr. Dunn said that in defense of the department there is a lot of pressure to get something done quickly and there is a low tolerance for mistakes.

#### **8. Personnel Director's Report:**

Mr. Dunn told the Commissioners that the matters for Frank Santora and Frank Basler would be put on the April 10, 2012 Agenda. Mr. Dunn said with the Frank Basler matter that the Commission would hear that Mr. Scott Hughes waited too long to terminate.

##### Firefighter Exam

Mr. Dunn reported that plans are underway to give the oral exam from April 16 to 20 at Central High School when school is not in session that week.

##### Fire Captain Exam

Mr. Dunn reported that the Civil Service office has 8 assessors in place and need 4 more. The written exam will be held on March 31<sup>st</sup> at the Aquaculture School and the oral exam will be held the first week of April in the Fire Headquarters, 4<sup>th</sup> Floor. Charlie Carroll's department is working on needed repairs and cleaning of the space.

##### Public Safety Supervisor

Mr. Dunn reported that 1 candidate is going through the Background Investigation by the Office of Internal Affairs.

##### Public Safety Telecommunicator

Mr. Dunn reported that 8 candidates are ready for their Background Investigation by the Office of Internal Affairs.

##### Police Officer Appeals

Mr. Dunn reported that he disqualified about 30 candidates based on habits and conduct and about 10 have requested appeals in writing. The Civil Service office will be sending each appellant a written letter offering them the opportunity to read their lie detector (polygraph) report and to meet personally with Mr. Dunn. At that meeting he would explain that he went through the polygraph report with Chief Gaudett and Lieutenant Garcia and that all agreed on the disqualification. He would also discuss their appeal before the Commission. He would provide City Attorney John Mitola with a draft of the letter for his review.

Commissioner Guedes stated that Lieutenant Garcia did not like the Commission overturning Mr. Dunn's disqualifications. Mr. Dunn said there is a dilemma because 8 police officers were in the last class because of being granted their appeals by the Commission and that the feedback he has received from training and others involved is that this class was the best the City has had. Mr. Dunn said there is a question of who was right.

Mr. Dunn referred to an appeal letter where the appellant wrote that neither he nor his parents could believe the polygraph report. Mr. Dunn reminded the Commission that the polygraph is based on self-reported information.

Commissioner Guedes said she likes the idea that Mr. Dunn speak with the appellant but is uncomfortable if the Commission is cut out of the process. Mr. Dunn said he would inform the appellant of appeal rights.

Mr. Dunn said that there would be a need for special appeal meetings in April and asked if the Commissioners would be available the last week of April. Commissioner Plummer would know in 2 weeks about his availability and Commissioner Guedes said she would keep Monday, Tuesday, and Wednesday of that week available for appeal meetings.

#### Vacation Issues

Mr. Dunn advised the Commission that he has approved the granting of service credit to former employees of BEDCO and former state elected officials who now serve as Bridgeport elected officials for purposes of vacation eligibility. The Commission also noted that any other current City employee with prior BEDCO, or service as a state elected official should be granted service credit as well.

Mr. Dunn also said that next month Ms. Norton would have a reorganization matter on the Agenda involving supervisors.

Commissioner Guedes asked City Attorney Mitola if Attorney Bucci would be able to overturn the decision made today and Attorney Mitola replied that it was his opinion that he would not be able to. He stated that they will go to court. He did not believe they could get an injunction on test. He believed that the court will let the test go forward. Attorney Mitola said they may argue it and that a remedy would be to throw out the 16 scores. It will cost about \$50,000 to give the test. If the court decides against the test then the scores of the 16 would be thrown out and the City would not have to give another test. Attorney Mitola said he believes that Mr. Dunn is not wrong in the eligibility date calculation.

On a motion made by Commissioner Plummer and seconded by Commissioner Rodgers, the regular monthly meeting of the Civil Service Commission was adjourned at 4:40 p.m.